

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:12CR30  
Plaintiff, )  
vs. ) ORDER  
JONY VALENCIA, )  
Defendant. )

This matter is before the court on the motion for an extension of time by defendant Jony Valencia (Valencia) (Filing No. 37). Valencia seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Valencia's counsel represents that Valencia will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Valencia's counsel represents that government's counsel has no objection to the motion. Upon consideration and for good cause shown, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Valencia's motion for an extension of time (Filing No. 37) is granted. Valencia is given until **on or before March 19, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between February 16, 2012, and March 19, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. The trial previously scheduled for March 27, 2012 (Filing No. 36) is canceled and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order.

DATED this 16th day of February, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge